

IT IS SO ORDERED.

Dated: 03:22 PM May 14 2010


MARILYN SHEA-STONUM PH
U.S. Bankruptcy Judge

09-4927

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION - AKRON**

In re

**Joseph M. Hillenbrand, Sr.
Caroline R. Hillenbrand**

Debtor(s)

Case No. 09-51913

CHAPTER 13

Judge: MARILYN SHEA-STONUM

**AMENDED AGREED ORDER FOR RELIEF
FROM STAY / 10107 Ridgeside Court,
Streetsboro, OH 44241**

This matter came on to be considered on the Motion for Relief from Stay (the "Motion") filed by THIRD FEDERAL SAVINGS AND LOAN ASSOCIATION OF CLEVELAND (the "Movant"). Movant has alleged that good cause exists for granting the Motion and that Debtors, counsel for Debtors, the Chapter 13 Trustee, and all other necessary parties were served with this Motion and with notice of the hearing date for this Motion; and the parties have entered into an agreement resolving the Motion.

IT IS, THEREFORE, ORDERED:

1. The Debtors shall maintain regular monthly post-petition payments to THIRD FEDERAL SAVINGS AND LOAN ASSOCIATION OF CLEVELAND outside the Chapter 13 Plan beginning with a payment due on **April 1, 2010**. Failure by the Debtors to make any payment within 30 days of the date due shall constitute a default.

2. Upon the existence of a default, Movant's counsel may send Debtors, counsel for Debtors and the Chapter 13 Trustee a 10-day notice of Movant's intent to file an affidavit and proposed Order granting relief from stay.

3. If the default is not cured within that 10-day period, then upon the filing of an affidavit by Movant attesting to the default by the Debtors, an Order shall be entered without further hearing, terminating the stay imposed by Section 362(a) of the Bankruptcy Code with respect to Movant, its successors and assigns.

4. This Agreed Order for Relief from Stay conforms to the standard form adopted in this District except as follows:

a. The Debtors are currently in arrears of their post-petition payments to Movant in that they owe Movant the sum of \$14,871.10 which consists of six (6) payments of \$1,478.75 (6/09-11/09), four (4) payments of \$1,355.90 each (12/09-3/10), attorney fees of \$425.00 and court costs of \$150.00.

b. The Debtors shall partially cure the arrears by paying Movant the sum of \$8,000.00 on or before March 31, 2010. The source of these funds is reserved mortgage payments.

c. The Debtors shall cure the remaining arrears of \$6,071.10 by paying Movant that sum through the Chapter 13 plan for which amount Movant is entitled to file an amended proof of claim.

d. Should the Debtors fail to tender the sum of \$8,000.00 to Movant on or before March 31, 2010, Movant shall be entitled to immediate relief from stay upon the filing of a Notice of Relief from Stay.

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SUBMITTED BY:

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